

Exhibit A



Shelby County District Attorney
Steve Mulroy

(/)

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FAQ: The "Drag Show" Law

APRIL 6, 2023

Below are some Questions and Answers about SB 3/HB 9, the new law regarding drag show performances.

Q: What does the law provide?

A: The law bans the performance of a drag show (an “adult cabaret performance” involving “male or female impersonators”) if it is

(1) **either viewable by minors OR on public property;**

AND ALSO

(2) **“harmful to minors.”**

“Harmful to minors” is defined by using a modified version of the U.S. Supreme Court’s definition of “obscenity.”

Q: Does this mean that there will be no drag shows in Shelby County? Will people performing at PRIDE Fest, Atomic Rose Café, and other places go to jail?

A: Our office enforces the laws as written, so it is possible that there could be prosecutions under this law in Shelby County. But the law, as written, is fairly narrow. We intend to interpret it as narrowly as we can to try to avoid constitutional issues. Also, as a general matter, this office will not make enforcement of this law a priority. However, we can only speak to enforcement inside Shelby County. Interpretations and priorities outside Shelby may be different.

Q: When does the law go into effect?

A: The statute was initially set to go into effect April 1, 2023. However, a federal court has enjoined enforcement of the law until late May in order to examine its constitutionality at trial.


Q: How did the law’s enforcement get enjoined?



A: In late March, a local drag show theater group called Friends of George's sued in federal court to get the law declared unconstitutional. Plaintiffs sued the Governor, the State Attorney General, and D.A. Mulroy. Plaintiffs sued D.A. Mulroy because he is the official who would be responsible for enforcing the law in Shelby County.

At a hearing held March 30, D.A. Mulroy, representing himself, stated that he would not oppose a temporary order restraining enforcement of the law. He stated that because there was much public confusion and concern about the law's application, scope, and constitutionality, it would be useful to freeze things in place. This would allow the court to clarify those things before our office had to make decisions about enforcing the law. We hope to avoid having to make enforcement decisions until the court clarifies the validity and application of the law.

The federal court has temporarily enjoined enforcement of the law until May 28, 2023, in order to allow the case to go to trial. The trial is set in this case for May 22, 2023.

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Shelby County District
Attorney
201 Poplar Avenue
11th Floor



Memphis, TN 38103

Phone: 901-222-1300

Email:

info@scdag.com

Website Design by CPMG (<https://www.creativepunchmg.com>)

